

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PROMEGA CORPORATION,

Plaintiff,

and

MAX-PLANCK-GESELLSCHAFT zur
FORDERUNG der WISSENSCHAFTEN E.V.,

Involuntary Plaintiff,

v.

LIFE TECHNOLOGIES CORPORATION,
INVITROGEN IP HOLDINGS, INC. and
APPLIED BIOSYSTEMS, LLC,

Defendants.

JUDGMENT IN A CIVIL CASE

Case No. 10-cv-281-bbc

This action came before the court and a jury with District Judge Barbara B. Crabb presiding. The issues have been tried and the jury has rendered its verdict.

IT IS ORDERED AND ADJUDGED that judgment is entered:

1. granting defendants' motion for partial summary judgment with respect to plaintiff Promega Corporation's claim of infringement of claims 25 and 27-31 of U.S. Patent No. 5,843,660 and defendants' counterclaims for noninfringement of the same claims;
2. granting plaintiff's motion for summary judgment with respect to the following claims of infringement:
 - a. AmpFISTR COfiler PCR Amplification Kit infringes claims 23 and 27 of U.S. Patent No. 6,221,598 and claim 42 of U.S. Patent No. RE 37,984;
 - b. AmpFISTR Profiler PCR Amplification Kit infringes claims 10, 23-24, 27 and 33 of the '598 patent and claim 42 of the '984 patent;
 - c. AmpFISTR Identifier PCR Amplification Kit infringes claims 10-23-24 and 27 of the '598 patent, claims 18-19 and 21-23 of U.S. Patent No. 6,479,235, claim 5 of U.S. Patent No. 7,008,771 and claim 42 of the '984 patent;
 - d. AmpFISTR Profiler Plus PCR Amplification Kit infringes claim 42 of the '984 patent;
 - e. AmpFISTR Yfiler PCR Amplification Kit infringes claim 42 of the '984 patent;
 - f. AB Minifiler PCR Amplification Kit infringes claim 42 of the '984 patent;
 - g. AB SGM Plus PCR Amplification Kit infringes claim 42 of the '984 patent;

- h. AB Sefiler Kit infringes claim 42 of the '984 patent;
 - i. AB Sefiler Plus Kit infringes claim 42 of the '984 patent;
 - j. NGM PCR Amplification Kit (1000 and 200) infringes claim 42 of the '984 patent;
 - k. NGM SElect Kit infringes claim 42 of the '984 patent;
 - l. Identifiler Plus Kit infringes claim 42 of the '984 patent, claim 5 of the '771 patent, claims 18, 19, 21, 22 and 23 of the '235 patent, claims 10, 23, 24, 27 and 33 of the '598 patent;
 - m. Identifiler Direct Kit infringes claim 42 of the '984 patent, claim 5 of the '771 patent, claims 18, 19, 21, 22 and 23 of the '235 patent, claims 10, 23, 24, 27 and 33 of the '598 patent;
 - n. AB Green I PCR Amplification Kit infringes claim 42 of the '984 patent and claims 23 and 27 of the '598 patent;
 - o. Blue PCR Amplification Kit infringes claim 42 of the '984 patent;
 - p. COfiler + Profiler Plus Kit infringes claim 42 of the '984 patent and claims 23 and 27 of the '598 patent; and
 - q. the Profiler Plus ID infringes claim 42 of U.S. Patent No. Re 37,984;
3. granting plaintiff's motion for summary judgment with respect to defendants' affirmative defenses and counterclaims that the '235, '598, '660 and '771 patents are invalid because they are anticipated, obvious or not enabled; and
4. awarding damages in favor of plaintiff Promega Corporation against defendants Life Technologies Corporation, Invitrogen IP Holdings, Inc. and Applied Biosystems, LLC in the amount of \$52,009,941.

Approved as to form this 21st day of February, 2012.


BARBARA B. CRABB, District Judge


Peter Oppeneer, Clerk of Court

2/23/12
Date